

Notice of Allowability

Application No.

10/673,183

Examiner

Michael P. Mooney

Applicant(s)

KUBO, TERUHIRO

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/26/06 RCE.
2. ☒ The allowed claim(s) is/are 9-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/26/06 9/30/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


BRIAN HEALY
PRIMARY EXAMINER

The cancellation of claims 1-8 is acknowledged.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

At the beginning of the Specification, please insert:

This application is a division of 09/975,023, now U.S. patent 6,671,430 which is a continuation of PCT/JP99/02500.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art, either alone or in combination, does not disclose or render obvious a WDM port adapted to wavelength division multiplexing (WDM); first to N-th ports to which first to N-th wavelengths are respectively allocated where N is an integer greater than 4, and first to fourth optical filters, wherein said first optical filter coupling said WDM port to said i-th port by said i-th wavelength. where i is an integer satisfying

$3 \leq i \leq (N - 2)$, and also coupling said WDM port to said second optical filter by the plural wavelengths except said i -th wavelength, said second optical filter coupling said first optical filter to said third optical filter by said first to $(i - 1)$ -th wavelengths, and also coupling said first optical filter to said fourth optical filter by said $(i + 1)$ -th to N -th wavelengths, said third optical filter coupling said second optical filter to said first to $(i - 1)$ -th ports respectively by said first to $(i - 1)$ -th wavelengths, and said fourth optical filter coupling said second optical filter to said $(i + 1)$ -th to N -th ports respectively by said $(i + 1)$ -th to N -th wavelengths in combination with the rest of claim 9 or claim 11 or claim 13.

It is noted that each of claims 9, 11, 13 is allowable because the unique combination of each and every specific element stated in each respective claim.

It is further noted that Cearns et al. does not teach or fairly suggest at least the third and fourth optical filters in the arrangement stated in the instant applications' (IA) independent claims.

The different said arrangement is illustrated at, for example, figure 7 of the IA which the independent claims read on. Cearns et al. clearly does not teach the third and fourth filters arranged such that they function as stated in the IA's independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 571-272-2422. The examiner can normally be reached during weekdays, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael P. Mooney
Examiner
Art Unit 2883

FGF/mpm
6/14/06

Frank G. Font
Supervisory Patent Examiner
Art Unit 2883



**BRIAN HEALY
PRIMARY EXAMINER**

Signing For
FRANK FONT